

REMARKS

Claims 30, 32-36, 38-42, 44-50, 52, 53, 55-8, and 60 are pending. Claims 1-29, 31, 37, 43, 51, 54, and 59 have been previously cancelled. Claims 50 and 52-58 are withdrawn.

Examination and reconsideration of the application is requested.

Interview Summary

The undersigned acknowledges with appreciation the in-person interview granted by Examiners Huy-Tram Nguyen and Walter Griffin on August 27, 2009, the essence of which is in this response.

§ 102 Rejections

Claims 30, 32-34, 37, 39, and 40 stand rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 7,179,429 (Maus).

The rejection of claims 30, 32-34, 37, 39, and 40 under 35 USC §102(e) as being anticipated by '429 (Maus) is unwarranted, and should be withdrawn.

Applicant in independent claim 30, claims a multilayer mat comprising:

an intumescent layer having opposite outer edges, opposite ends, a first major surface and a second major surface opposite the first major surface, said intumescent layer having an area A1;

a first non-intumescent layer facing the first major surface of said intumescent layer, said first non-intumescent layer comprising inorganic fibers and said first non-intumescent layer having opposite outer edges, opposite ends, and an area A2 that is greater than area A1, wherein said first non-intumescent layer has a major surface facing said intumescent layer with a first **trough in** said major surface, and wherein said intumescent layer is positioned in said first trough; and

a second non-intumescent layer facing the second major surface of said intumescent layer, said second non-intumescent layer comprising inorganic fibers and said second non-intumescent layer having opposite outer edges, opposite ends, and an area A3 that is greater than area A1,

wherein said intumescent layer is sandwiched between said first and second non-intumescent layers and positioned entirely within the area A2 of said first non-intumescent layer and the area A3 of said second non-intumescent layer, with at least one of the outer edges of said mat being free of intumescent material.

There is at least one difference between '429 (Maus) and Applicant's claim 30. For example, Applicant's claim 30 requires "said first non-intumescent layer has a major surface facing said intumescent layer with a first trough in said major surface, and wherein said intumescent layer is positioned in said first trough" (underlining and bolding added for emphasis). As defined on page 5, lines 17-18 of the specification, "trough" refers to a layer or mat with a non-flat surface in which a portion of the surface is depressed compared to adjoining portions of the surface.

It understood that it is the Patent Office's position that, referring to FIG.2 of '429 (Maus), the filled with volume filled by mat 5, which volume is formed when mat 6 is folded on the ends back on itself, is a trough in a major surface as required by Applicant's claims. Applicant submits

the alleged “major surface” and alleged “trough” the Patent Office is referring to is made of (a) a portion of the major surface of mat 6 (i.e., the major surface of mat 5 in contact therewith), (b) portions of the other major surface of mat 5 (i.e., the portion of the other major surface of mat 5 that is folded over at each end), and (c) the end of mat 6 that (which as mat 6 is folded over) contacts edge 9 (as well as the other opposed edge) of mat 5. Clearly, FIG.2 does not show a trough in a major surface as required in Applicant’s claims.

Further, the Patent Office has not provided an analysis, including an articulated reason and the underlying evidence, to properly show such a modification of ‘429 (Maus) would be obvious.

Claims 32-34, 37, 39, and 40 depend directly or indirectly from claim 30. Claim 30 is patentable, for example for reasons given above. Therefore, claims 32-34, 37, 39, and 40 should also be patentable.

In summary, the rejection of claims 30, 32-34, 37, 39, and 40 under 35 USC §102(e) as being anticipated by ‘429 (Maus) is unwarranted, and should be withdrawn.

§ 103 Rejections

Claim 35 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 7,179,429 (Maus) in view of WO 99/39086 (using U.S. Pat. No. 6,967,006 (Wirth) as the U.S. equivalent document).

Claim 35 depends from claim 30. Claim 30 is patentable, for example for reasons given above. '006 (Wirth) fails to overcome the deficiencies of '429 (Maus). Therefore, claim 35 should also be patentable.

Claim 36 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. No. 7,179,429 (Maus) in view of US 2002/0025750 (Dinwoodie).

Claim 36 depends from claim 30. Claim 30 is patentable, for example for reasons given above. US 2002/0025750 (Dinwoodie) fails to overcome the deficiencies of '429 (Maus). Therefore, claim 36 should also be patentable.

Allowable Subject Matter

Claims 41-48 and 60 are said to be allowable.

Further claim 38 is also said to be allowable if rewritten in independent form.

Claim 38 depends directly from claim 30. Claim 30 is patentable, for example for reasons given above. Therefore, claim 38 should also be allowable in its present form.

In view of the above, it is submitted that the application is in condition for allowance.

Examination and reconsideration of the application is requested.

Respectfully submitted,

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